



# Environment Act 1995

## 1995 CHAPTER 25

### PART I

#### THE ENVIRONMENT AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

### CHAPTER I

#### THE ENVIRONMENT AGENCY

##### *Establishment of the Agency*

#### **1 The Environment Agency.**

- (1) There shall be a body corporate to be known as the Environment Agency or, in Welsh, Asiantaeth yr Amgylchedd (in this Act referred to as “the Agency”), for the purpose of carrying out the functions transferred or assigned to it by or under this Act.
- (2) The Agency shall consist of not less than eight nor more than fifteen members of whom—
  - (a) three shall be appointed by the Minister; and
  - (b) the others shall be appointed by the Secretary of State.
- (3) The Secretary of State shall designate—
  - (a) one of the members as the chairman of the Agency, and
  - (b) another of them as the deputy chairman of the Agency.
- (4) In appointing a person to be a member of the Agency, the Secretary of State or, as the case may be, the Minister shall have regard to the desirability of appointing a person who has experience of, and has shown capacity in, some matter relevant to the functions of the Agency.
- (5) Subject to the provisions of section 38 below, the Agency shall not be regarded—

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- (a) as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown; or
- (b) by virtue of any connection with the Crown, as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local;

and the Agency's property shall not be regarded as property of, or property held on behalf of, the Crown.

- (6) The provisions of Schedule 1 to this Act shall have effect with respect to the Agency.

**Modifications etc. (not altering text)**

- C1** S. 1: transfer of functions (with effect in accordance with art. 1(3) of the amending S.I.) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), 5 (with art. 24)

*Transfer of functions, property etc. to the Agency*

**2 Transfer of functions to the Agency.**

- (1) On the transfer date there shall by virtue of this section be transferred to the Agency—

- (a) the functions of the National Rivers Authority, that is to say—
  - (i) its functions under or by virtue of Part II (water resources management) of the <sup>M1</sup>Water Resources Act 1991 (in this Part referred to as “the 1991 Act”);
  - (ii) its functions under or by virtue of Part III of that Act (control of pollution of water resources);
  - (iii) its functions under or by virtue of Part IV of that Act (flood defence) and the <sup>M2</sup>Land Drainage Act 1991 and the functions transferred to the Authority by virtue of section 136(8) of the <sup>M3</sup>Water Act 1989 and paragraph 1(3) of Schedule 15 to that Act (transfer of land drainage functions under local statutory provisions and subordinate legislation);
  - (iv) its functions under or by virtue of Part VII of the 1991 Act (land and works powers);
  - (v) its functions under or by virtue of <sup>F1</sup>... the <sup>M4</sup>Sea Fisheries Regulation Act 1966, the <sup>M5</sup>Salmon and Freshwater Fisheries Act 1975, Part V of the 1991 Act or any other enactment relating to fisheries;
  - (vi) the functions as a navigation authority, harbour authority or conservancy authority which were transferred to the Authority by virtue of Chapter V of Part III of the <sup>M6</sup>Water Act 1989 or paragraph 23(3) of Schedule 13 to that Act or which have been transferred to the Authority by any order or agreement under Schedule 2 to the 1991 Act;
  - (vii) its functions under Schedule 2 to the 1991 Act;
  - (viii) the functions assigned to the Authority by or under any other enactment, apart from this Act;
- (b) the functions of waste regulation authorities, that is to say, the functions conferred or imposed on them by or under—
  - (i) the <sup>M7</sup>Control of Pollution (Amendment) Act 1989, or

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- (ii) Part II of the <sup>M8</sup>Environmental Protection Act 1990 (in this Part referred to as “the 1990 Act”),
  - or assigned to them by or under any other enactment, apart from this Act;
  - (c) the functions of disposal authorities under or by virtue of the waste regulation provisions of the <sup>M9</sup>Control of Pollution Act 1974;
  - (d) the functions of the chief inspector for England and Wales constituted under section 16(3) of the 1990 Act, that is to say, the functions conferred or imposed on him by or under Part I of that Act or assigned to him by or under any other enactment, apart from this Act;
  - (e) the functions of the chief inspector for England and Wales appointed under section 4(2)(a) of the <sup>M10</sup>Radioactive Substances Act 1993, that is to say, the functions conferred or imposed on him by or under that Act or assigned to him by or under any other enactment, apart from this Act;
  - (f) the functions conferred or imposed by or under the <sup>M11</sup>Alkali, &c, Works Regulation Act 1906 (in this section referred to as “the 1906 Act”) on the chief, or any other, inspector (within the meaning of that Act), so far as exercisable in relation to England and Wales;
  - (g) so far as exercisable in relation to England and Wales, the functions in relation to improvement notices and prohibition notices under Part I of the <sup>M12</sup>Health and Safety at Work etc. Act 1974 (in this section referred to as “the 1974 Act”) of inspectors appointed under section 19 of that Act by the Secretary of State in his capacity as the enforcing authority responsible in relation to England and Wales for the enforcement of the 1906 Act and section 5 of the 1974 Act; and
  - (h) the functions of the Secretary of State specified in subsection (2) below.
- (2) The functions of the Secretary of State mentioned in subsection (1)(h) above are the following, that is to say—
  - (a) so far as exercisable in relation to England and Wales, his functions under section 30(1) of the <sup>M13</sup>Radioactive Substances Act 1993 (power to dispose of radioactive waste);
  - (b) his functions under Chapter III of Part IV of the <sup>M14</sup>Water Industry Act 1991 in relation to special category effluent, within the meaning of that Chapter, other than any function of making regulations or of making orders under section 139 of that Act;
  - (c) so far as exercisable in relation to England and Wales, the functions conferred or imposed on him by virtue of his being, for the purposes of Part I of the 1974 Act, the authority which is by any of the relevant statutory provisions made responsible for the enforcement of the 1906 Act and section 5 of the 1974 Act;
  - (d) so far as exercisable in relation to England and Wales, his functions under, or under regulations made by virtue of, section 9 of the 1906 Act (registration of works), other than any functions of his as an appellate authority or any function of making regulations;
  - (e) so far as exercisable in relation to England and Wales, his functions under regulations 7(1) and 8(2) of, and paragraph 2(2)(c) of Schedule 2 to, the <sup>M15</sup>Sludge (Use in Agriculture) Regulations 1989 (which relate to the provision of information and the testing of soil).

<sup>F2</sup>(3) .....

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**Textual Amendments**

- F1** Words in s. 2(1)(a)(v) omitted (E.W.) (27.3.2009) by virtue of [The Aquatic Animal Health \(England and Wales\) Regulations 2009 \(S.I. 2009/463\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 9\(a\)](#) (with [reg. 2\(2\)](#)) and words in s. 2(1)(a)(v) omitted (S.) (27.3.2009) by virtue of [The Aquatic Animal Health \(Scotland\) Regulations 2009 \(S.S.I. 2009/85\)](#), [reg. 1\(2\)\(c\)](#), [sch. 2 para. 9\(a\)](#) (with [reg. 2.](#))
- F2** S. 2(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

**Marginal Citations**

- M1** 1991 c. 57.
- M2** 1991 c. 59.
- M3** 1989 c. 15.
- M4** 1966 c. 38.
- M5** 1975 c. 51.
- M6** 1989 c. 15.
- M7** 1989 c. 14.
- M8** 1990 c. 43.
- M9** 1974 c. 40.
- M10** 1993 c. 12.
- M11** 1906 c. 14.
- M12** 1974 c. 37.
- M13** 1993 c. 12.
- M14** 1991 c. 56.
- M15** S.I. 1989/1263.

**3 Transfer of property, rights and liabilities to the Agency.**

- (1) On the transfer date—
  - (a) the property, rights and liabilities—
    - (i) of the National Rivers Authority, and
    - (ii) of the London Waste Regulation Authority,
 shall, by virtue of this paragraph, be transferred to and vested in the Agency;
  - (b) any property, rights or liabilities which are the subject of—
    - (i) a scheme made under the following provisions of this section by the Secretary of State, or
    - (ii) a scheme made under those provisions by a body which is a waste regulation authority and approved (with or without modifications) under those provisions by the Secretary of State,
 shall be transferred to and vested in the Agency by and in accordance with the scheme.

- F3(2) .....
- F3(3) .....
- F3(4) .....
- F3(5) .....
- F3(6) .....
- F3(7) .....

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(8) Schedule 2 to this Act shall have effect in relation to transfers by or under this section.

#### Textual Amendments

**F3** S. 3(2)-(7) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 13

#### Commencement Information

**II** S. 3 not in force at Royal Assent see s. 125(3); s. 3(2)-(8) in force at 28.7.1995 by S.I. 1995/1983, art. 2; s. 3(1) in force at 1.4.1996 by S.I. 1996/186, art 3

## 4 Principal aim and objectives of the Agency.

- (1) It shall be the principal aim of the Agency (subject to and in accordance with the provisions of this Act or any other enactment and taking into account any likely costs) in discharging its functions so to protect or enhance the environment, taken as a whole, as to make the contribution towards attaining the objective of achieving sustainable development mentioned in subsection (3) below.
- (2) The [<sup>F4</sup>Secretary of State] shall from time to time give guidance to the Agency with respect to objectives which [<sup>F5</sup>the Secretary of State considers] it appropriate for the Agency to pursue in the discharge of its functions.
- (3) The guidance given under subsection (2) above must include guidance with respect to the contribution which, having regard to the Agency's responsibilities and resources, the [<sup>F6</sup>Secretary of State considers] it appropriate for the Agency to make, by the discharge of its functions, towards attaining the objective of achieving sustainable development.
- (4) In discharging its functions, the Agency shall have regard to guidance given under this section.
- (5) The power to give guidance to the Agency under this section shall only be exercisable [<sup>F7</sup>after consultation with—
  - (a) the Agency,
  - (b) Natural England, and
  - (c) such other persons as] the [<sup>F8</sup>Secretary of State considers] it appropriate to consult in relation to the guidance in question.
- (6) A draft of any guidance proposed to be given under this section shall be laid before each House of Parliament and the guidance shall not be given until after the period of 40 days beginning with the day on which the draft was so laid or, if the draft is laid on different days, the later of the two days.
- (7) If, within the period mentioned in subsection (6) above, either House resolves that the guidance, the draft of which was laid before it, should not be given, the [<sup>F9</sup>Secretary of State] shall not give that guidance.
- (8) In reckoning any period of 40 days for the purposes of subsection (6) or (7) above, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (9) The [<sup>F10</sup>Secretary of State] shall arrange for any guidance given under this section to be published in such manner as [<sup>F11</sup>the Secretary of State considers] appropriate.

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### **Textual Amendments**

- F4** Words in s. 4(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 362(2)(a)** (with Sch. 7)
- F5** Words in s. 4(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 362(2)(b)** (with Sch. 7)
- F6** Words in s. 4(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 362(3)** (with Sch. 7)
- F7** Words in s. 4(5) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 140**; S.I. 2006/2541, art. 2 (with Sch.)
- F8** Words in s. 4(5)(c) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 362(3)** (with Sch. 7)
- F9** Words in s. 4(7) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 362(4)** (with Sch. 7)
- F10** Words in s. 4(9) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 362(5)(a)** (with Sch. 7)
- F11** Words in s. 4(9) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 362(5)(b)** (with Sch. 7)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 41(1)(s) inserted by [2021 c. 30 s. 57\(8\)](#)
- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)